

### **REMARKS**

The Examiner in the Official Action objected to claim 14 for the reasons set forth in paragraph 3. Claim 14 has been cancelled and the limitations thereof has been placed in independent claim 12 and has been corrected as suggested by the Examiner. The Examiner has also rejected claim 1 under 35 USC § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements. Claim 1 has been amended to provide means for automatically assigning credit, thus, the objection set forth in paragraph 4 of the Official Action is no longer applicable.

The Examiner in paragraph 5 has rejected claims 3-5 and 8-11 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 and 4 have been amended to provide appropriate structural elements for the features. Accordingly, it is respectfully submitted that the objections to these claims are no longer applicable. The Examiner has objected to claims 8-11 stating that these claims introduce method claim language into a structural element. Claim 9 and 10 have been cancelled, accordingly the objection to these claims is no longer applicable. Claim 8 has been amended to state that the means for automatically assigning credit includes scanning the images on a roll of photographic film. Applicant respectfully submits that claims 8 and 11 are in appropriate forms. In this regard, applicant refers the Examiner to MPEP 1273.05(g). As stated therein there is nothing inherently wrong with defining some part of an invention in functional terms. As stated in MPEP 2173.01, "Applicant may use functional language, alternative expressions or format of claim which makes it clear the boundaries of the subject matter for which protection is sought". Applicant respectfully submit that the claims as currently set forth are clear and allows a reasonable degree of particularity and distinctiveness required under 35 USC § 112. Applicant also refers the Examiner to MPEP 2173.02 in this regard.

With respect to the objection in paragraph 6, appropriate antecedent basis has now been provided.

Claim 18 has been amended to overcome the objection set forth in paragraph 7 and 8.


The Examiner has indicated that claims 10, 11, 14, and 19 are objected to but would be allowable if rewritten in independent form to allow all of the limitations of the base claims and any intervening claims. In this regard, claim 1 has been amended to include the limitations of 9 and 10 and claim 12 has been amended to include the limitation of claim 14.

Claims 21 and 22 have been cancelled and claim 20 has been amended to include the same limitations set forth in amended claim 12 and therefore is believed to be patentably distinct for the same reasons.

In view of the foregoing applicant respectfully submits that the application is in condition for allowance and such action is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned **"Version with Markings to Show Changes Made"**.

Respectfully submitted,



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*Markup ✓*

Version With Markings to Show Changes Made

In the Specification:

The paragraph beginning on page 3, line 20 has been amended as set forth below:

b) means for filling an image order for said customer and associating a charge to said customer for filling of said image order with respect to a roll of photographic film; and

The paragraph beginning on page 3, line 22 has been amended as set forth below:

c) means for automatically assigning credit on behalf of said customer ~~based on a predetermined criteria~~ for unprintable images on said roll of photographic film wherein the number of accrued unprintable images are compared to a threshold value.

The paragraph beginning on page 4, line 3 has been amended as set forth below:

d. automatically crediting said customer for said unprintable images in accordance with a predetermined criteria wherein predetermined criteria comprises comparing the number of images of said image retaining device was designed to capture with the number of printable images on said process image retaining device.

The paragraph beginning on page 4, line 13 has been amended as set forth below:

d. automatically crediting said customer for said unprintable images in accordance with a predetermined criteria wherein predetermined criteria comprises comparing the number of images of said image retaining device was designed to capture with the number of printable images on said process image retaining device.

Please delete lines 15-29 on page 4, and lines 1-4 on page 5.

**In the Claims:**

Claims 9, 10, 21, and 22 have been cancelled.

Claims 1, 3, 4, 8, 11, 12, 15, 18, and 20 have been amended as set forth below:

1.(Once Amended) A photoprocessing management system for managing photoprocessing services, comprising:

- a. a computer for processing data with respect to a customer;
- b. means for filling an image order for said customer and associating a charge to said customer for filling of said image order with respect to a roll of photographic film; and
- c. means for automatically assigning credit on behalf of said customer based on a predetermined criteria for unprintable images on said roll of photographic film wherein the number of accrued unprintable images are compared to a threshold value.

3.(Once Amended) A photoprocessing management system according to claim 1 wherein said image order comprises a printer for printing of images on a roll of photographic film.

4.(Once Amended) A photoprocessing management system according to claim 1 ~~wherein said image order comprises~~ further comprising a scanner for scanning of hard copy images .

8.(Once Amended) A photoprocessing management system according to claim 1 wherein said means for automatically assigning credit includes image order comprises scanning the images on a roll of photographic film.

11.(Once Amended) A photoprocessing management system according to claim ~~10~~1 wherein said threshold value is equal to the number of images a roll of film of a predetermined value that is provided to said customer upon reaching said threshold value.

12.(Once Amended) A method for processing images on an image retaining device, comprising the steps of:

- a. providing an image retaining device of a customer, said image retaining device capable of retaining a predetermined number of images;
- b. processing said image retaining device by a processing lab;
- c. automatically determining the number of printable images on said processed image retaining device; and

- d. automatically crediting said customer for said unprintable images in accordance with a predetermined criteria wherein predetermined criteria comprises comparing the number of images of said image retaining device was designed to capture with the number of printable images on said process image retaining device.

15.(Once Amended) A method according to claim ~~14~~12 wherein said credit comprises keeping track as to the number of images that are printable for said customer for said image retaining device that is sent to said processing lab and forwarding to said customer a token when a predetermined credit criteria is reached.

18.(Once Amended) A method according to claim 17 wherein said roll of photographic film contains the same number of potential exposures of images equal to the number of accrued unprintable images.

20.(Once Amended) A computer software product that when placed in a computer will cause the computer to do the steps of:

- a. processing data with respect to a customer;
- b. keeping track of a customer order having an image retaining device capable of retaining a predetermined number of images;

c. automatically determining the number of printable images on said processed image retaining device; and

d. automatically crediting said customer for said unprintable images in accordance with a predetermined criteria wherein predetermined criteria comprises comparing the number of images of said image retaining device was designed to capture with the number of printable images on said process image retaining device.

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